

INTERAGENCY AGREEMENT
BETWEEN
THE BUREAU OF LAND MANAGEMENT
AND
THE FOREST SERVICE
FOR
MINERAL LEASING

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The Bureau of Land Management (BLM), Department of the Interior, and the Forest Service (FS), Department of Agriculture, hereby agree that the policy and procedures set forth in this Interagency Agreement (IA) shall be followed with respect to the processing of authorizations, such as licenses, permits, and leases, that grant rights to federally owned minerals in the National Forest System (NFS) and in adjoining lands with Federal minerals (split estate lands). Such authorizations are collectively referred to in this IA as leases. This agreement does not include permits issued by the FS to do preliminary mineral-related investigations or surveys.

I. AUTHORITIES

The BLM manages the Federal leasable mineral estate under authority of the Mineral Leasing Act of 1920 (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351-359), the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq), Section 402 of Reorganization Plan No. 3 of 1946 (5 U.S.C. Appendix), the Federal Coal Leasing Amendments Act of 1976 (90 Stat. 1083), and other Acts.

The FS manages the NFS for multiple use and sustained yield of products and services and is authorized to make rules and regulations to govern surface use and occupancy under the authority of the Organic Administration Act of 1897 (16 U.S.C. 473-475, 477-482, 551), the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 (note), 528-531), and the National Forest Management Act of 1976 (90 Stat. 2949). Under certain statutes the FS has consent authority for leasing of the NFS. Also, in accordance with 43 CFR 3101.7 and through long standing agreement between the Departments, the FS provides recommendations where consent authority does not exist.

II. PURPOSE

This IA establishes the policy and procedures by which leasing proposals which involve the NFS and adjoining private lands with Federal minerals are to be processed by the BLM and the FS. This policy and these procedures are adopted to ensure cooperative, timely, and efficient action by the BLM and the FS with respect to such leasing, consistent with the statutory and regulatory responsibilities of each agency.

III. RESPONSIBILITIES

A. NEPA Compliance and Coordination. Issuance of leases by the BLM is a Federal action which requires an environmental analysis to be made in conformance with the National Environmental Policy Act of 1969 (NEPA), its implementing regulations (40 CFR 1500-1508), and agency direction. In order to comply with these requirements in an efficient and effective manner, both agencies will participate jointly in scoping each proposed action. A single environmental analysis and, if appropriate, a single document is to be completed such that it will be an adequate environmental basis for all recommendations and/or decisions to be made by either the FS or the BLM.

For leasing proposals which primarily involve the NFS or adjoining private lands with Federal minerals and which primarily involve NFS issues, the FS will have the lead for environmental analysis and, when necessary, documentation in an environmental assessment or environmental impact statement. For leasing proposals which involve primarily non-NFS lands or issues, the participation of each agency in environmental analysis and documentation will be determined during scoping. In all cases, FS expertise will be recognized for that portion of any analysis or document concerning protection and utilization of the NFS.

B. Stipulation Development and Use. The BLM and the FS will coordinate the development of stipulations in conjunction with NEPA compliance at the local level to ensure appropriate wording and to ensure that adequate justification for their use exists in the record. The BLM and the FS will coordinate agency-wide stipulation use policy at the Washington level.

C. Agency Decisions. Leasing decisions are to be coordinated by the BLM and the FS so that requirements identified through the environmental analysis and, if appropriate, the environmental document are considered in FS recommendations (including those pertaining to adjoining private lands with Federal minerals) and/or consent decisions and in subsequent BLM leasing decisions. Coordination with respect to FS recommendations and/or decisions is to be such that FS is aware of final action to be taken by BLM.

1. Recommendations. When the FS role in the leasing decision is limited to providing the BLM with advisory, nonbinding recommendations, the FS will forward its recommendations to BLM as to the leasing of the NFS and adjoining private lands with Federal minerals.

2. **Consent.** When the decision requires consent of the FS for the leasing of the NFS, the FS shall notify affected parties of its decision. After expiration of the FS appeal period, the FS shall forward its decision to BLM. When the FS provides recommendations for adjoining private lands with Federal minerals or recommendations involving non-NFS lands or authorities within its decision, they are to be so identified.

D. Appeal Coordination. To the extent that potential leasing of the NFS and of adjoining private lands with Federal minerals involves only FS recommendations, FS actions are not subject to appeal to the FS. However, to the extent that such leasing of the NFS requires FS consent, FS decisions are subject to appeal to the FS under 36 CFR 211.18. If a decision is appealed, the FS will promptly notify the BLM.

All BLM decisions, subsequent to either FS recommendations or consent decisions, are then subject to protest to BLM and/or appeal under 43 CFR 4. The BLM will promptly notify the FS if a BLM decision affecting a lease proposal of the NFS is protested or appealed.

E. General Program Coordination.

1. The BLM will review proposals for leases prior to forwarding them to the FS to ensure compliance with applicable regulations. The BLM will forward acceptable proposals to the FS within 15 days of receipt with a request for a FS recommendation and/or consent decision and, if acquired minerals are proposed for leasing, a request for a title report.
2. Within 30 days of FS receipt of a leasing proposal, the BLM and the FS will, if necessary, scope the proposal.
3. The FS will forward its recommendation and/or consent decision within 60 days of the initial receipt by the FS of the leasing proposal, or will provide the BLM with a date to expect a response giving the reason for such delay.
4. The BLM State Director and the FS Regional Forester will attempt to resolve differences concerning FS leasing recommendations or differences involving specific leasing procedures. Differences which cannot be resolved will be forwarded promptly to the BLM Director and the FS Chief for resolution.

5. The BLM will close a case by either issuing a lease or rejecting an offer within 60 days of receipt of FS recommendations or consent decisions.
6. The BLM will provide the FS information relative to changes in the status of offers, licenses, permits, and leases within 10 days of the change.
7. The BLM and the FS will incorporate the policies and procedures set forth in this agreement into their respective manual systems. The BLM and the FS will coordinate and share at the local and national level manual releases, policy memoranda, and directives affecting the respective leasable mineral programs.
8. The BLM and the FS will coordinate the preparation of budget proposals for leasable minerals at the national level to ensure that data and information are consistent and that major projects, such as coal leasing plans, are appropriately considered in the budgets of both agencies. The BLM and the FS will coordinate work plans at the State Director/Regional Forester level and, with respect to NEPA compliance for leasing of split estate lands, will notify respective Washington Offices when substantial costs will be incurred.

IV. SUPPLEMENTAL AGREEMENTS

The BLM State Directors and the FS Regional Foresters are encouraged to enter into supplemental agreements consistent with this IA in order to implement local procedures which will contribute to the cooperative, timely, and orderly processing of mineral leasing proposals. A copy of supplemental agreements will be forwarded to the BLM Director and the FS Chief for information.

V. EFFECT ON PRIOR AGREEMENTS

This IA supersedes the following interagency agreements, in whole or in part as indicated, as they relate to the processing of mineral leasing proposals and, to the extent inconsistent, any other agreements between the BLM and the FS.

1. Sections III, IV, and V of the Cooperative Agreement Between Forest Service (USDA) and the Geological Survey (USDI) for Operations Within Solid Mineral Permits and Leases on National Forest System Lands, dated November 1980, are superseded.
2. The Interim Memorandum of Understanding Between the Bureau of Land Management and the Forest Service, dated December 1980, is superseded in its entirety.

3. Sections I.A., I.B., III.A., and III.B., of the Memorandum of Understanding for the Geothermal Program between the U.S. Geological Survey - Bureau of Land Management - USDA, Forest Service, dated December 1981, are superseded.

VI. AGREEMENT REVIEW

Within 1 month prior to the anniversary date of this IA, the FS Regional Foresters and the BLM State Directors shall apprise their respective Washington Offices of suggested modifications, if any, to this agreement which would contribute to the cooperatively, timely, and orderly processing of mineral leasing proposals. These suggestions will be reviewed by the BLM Director and the FS Chief to determine if the IA should be amended.

F. Dale Robertson
For: Chief, Forest Service

6/19/84
Date

James H. Parker
For: Director, Bureau of Land Management

6/19/84
Date